

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: AFTERMARKET FILTERS ANTITRUST LITIGATION	Master Docket No. 1:08-cv-4883
THIS DOCUMENT RELATES TO:	MDL Docket No. 1957
ALL CASES	Honorable Robert W. Gettleman Magistrate Geraldine Soat Brown

**JOINT MOTION TO CONTINUE STAY
AND FOR CONTINUANCE OF JULY 26, 2011 STATUS HEARING**

Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs, Gas Retailer Plaintiffs, (collectively “Plaintiffs”) and Defendants Champion Laboratories, Inc., Honeywell International Inc., Wix Filtration Corp. LLC, Affinia Group Inc., Cummins Filtration Inc., Donaldson Company, Inc., Baldwin Filters Inc., ArvinMeritor Inc., and Purolator Products NA, LLC and Purolator Products Company, LLC (collectively, “Defendants”) jointly request that the Court reschedule the July 26 status conference until August 23, 2011 and jointly move for a continuation of the stay that is currently in effect in the above-captioned matter until the date of the re-scheduled status conference.

This Court granted the parties’ Joint Motion for a Stay of All Cases on April 14, 2011 due to a pending criminal investigation that the United States Attorney’s Office for the Eastern District of Pennsylvania was conducting regarding evidence and statements relating to William G. Burch (“Burch”). The 90-day stay is scheduled to last through July 13, 2011, and a status conference is scheduled for July 26, 2011. (*See* 4/14/11 Docket Entry (Dkt. # 773).)

On June 21, 2011, the United States Attorney’s Office for the Eastern District of Pennsylvania filed an Information against Burch in which the Government charged Burch with a

felony for making materially false statements under 18 U.S.C. § 1001 stemming from Burch's alteration of a document that he produced to the Antitrust Division of the Department of Justice. The Information is attached as Exhibit A. On June 29, 2011, Burch pled guilty to the Government's charge. The Government's Guilty Plea Memorandum is attached as Exhibit B and its Plea Agreement with Burch is attached as Exhibit C. The parties understand that the Government's investigation of Burch is now concluded and that the United States District Court for the Eastern District of Pennsylvania has scheduled sentencing for October 5, 2011.

When the stay in this MDL lifts, defendants intend to file a motion requesting that the Court exclude from evidence audio tapes that Burch created that purportedly include recorded conversations between Burch and his colleagues in the industry relating to the conspiracy that plaintiffs allege, and to preclude plaintiffs from using the audio tapes for any pretrial purpose, including at depositions or in opposition to defendants' summary judgment motions. It is defendants' position that Burch manipulated and erased portions of those audio tapes.

Thus, the parties request an additional period to assess the impact of Burch's felony plea and defendants' intended motion to exclude the audio tapes. The parties request that the Court continue the status conference that is currently scheduled for July 26, 2011 until August 23, 2011. At that time, the parties will be prepared to discuss the impact of these recent developments and a briefing schedule for defendants' motion to exclude Burch's audio tapes from evidence. The State of Florida and the *qui tam* relator in the above-captioned proceedings do not oppose the parties' proposed extension.

WHEREFORE the parties respectfully request that the Court enter the Proposed Order Continuing the Stay and the July 26, 2011 Status Hearing in this consolidated proceeding.

Dated: July 11, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Marguerite M. Sullivan, hereby certify that on July 11, 2011, I caused the foregoing Joint Motion to Continue Stay and for Continuance of July 26, 2011 Status Hearing to be filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties indicated on the electronic filing receipt.

/s/ Marguerite M. Sullivan
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